

## **REMARKS**

Reconsideration of this application, as amended, is requested.

Claims 1 and 3-20 remain in the application. Claim 1 has been amended to define the invention more clearly. Claim 5 has been amended to depend from claim 1. Claims 7, 8, 10, 12-16 and 19 all have been amended into independent form.

The applicants and the assignee are pleased to note that claims 4, 6, 9, 17 and 18 have been allowed. Those claims remain in the application and have not been amended further.

The applicants and the assignee also are pleased to note that claims 7, 8, 10-16, 19 and 20 all were identified as being directed to patentable subject matter. The Examiner indicated that those claims would be allowed if amended or rewritten into independent form with all of the limitations of the base claim and any intervening claims.

Claims 7, 8, 10, 12-16 and 19 all had depended directly from claim 1. Those claims have been amended into independent form with all of the limitations of claim 1. As a result, independent claims 7, 8, 10, 12-16 and 19 all are believed to be in condition for allowance. Claim 11 depends from allowable claim 10, and hence should be allowed as well. Claim 20 depends from allowable claim 19 and should be allowed as well.

The Examiner rejected claims 1, 3 and 5 under 35 USC 102(b) as being anticipated by Sahlin et al., published U.S. Patent Application Publication No. 2003/006388. The Examiner concluded that the Sahlin et al. device has "a base member (118) for holding the optical fiber cable." The Examiner also concluded that the Sahlin et al. device has "an attachment member (112) for attaching the base member to the structure wherein the base member is configured for being attachable to the attachment

member while the base member is holding the optical fiber cable." The Examiner relied upon paragraph 0027 and 0028 of the Sahlin et al. reference to support the interpretation relied upon in the office action.

Claim 1 has been amended to define the invention more clearly. Amended claim 1 defines the optical fiber measuring module as including "a base member for fixedly holding the optical fiber cable." Additionally, amended claim 1 defines the optical fiber measuring module as including "an attachment member for attaching the base member to the structure wherein the base member is configured for being attachable to the attachment member while the base member is fixedly holding the optical fiber cable.

The paragraphs of the Sahlin et al. references relied upon in the office action clearly demonstrate that the Sahlin et al. channel is intended to permit the optical fiber to be mounted in the channel after channel 100 is mounted to the mounting member 112. Removal of the optical fiber 130 from the channel 100 would appear to be at least as easy as mounting the fiber 130 into the channel 100. Additionally, the Examiner has noted correctly that nothing in Sahlin et al. would preclude longitudinal movement of the fiber 130 along the channel 100. This type of longitudinal or transverse movement of the fiber relative to the channel would appear to be entirely acceptable for the Sahlin et al. device because the Sahlin et al. device is intended merely to transmit light through the fiber.

In contrast to Sahlin et al., the subject invention is directed to an optical fiber measuring module to measure distortion, temperature or other physical quantity of a structure on which the module is laid. The description of the related art refers to Japanese Unexamined Patent Publication No. H09-14927. The English language Abstract of that reference that was submitted in the first Information Disclosure Statement explains that an

optical fiber is "closely adhered" to the inner periphery surface of a metal pipe so that the optical fiber can sense strain.

The description of the related art also refers to Japanese Unexamined Patent Publication No. 2002-131025. That reference also was submitted with the Information Disclosure Statement, and the English language Abstract explains that a facial distortion sensor attaches an optical fiber to a structure so that the "optical fiber cable is fixed."

A person skilled in the art clearly will understand that an optical fiber cable that is part of an optical fiber measuring module must be held fixedly to measure a physical quantity of a structure. Free longitudinal and/or transverse movements of an optical fiber might be perfectly acceptable in a Sahlin et al. type of assembly where the only function of the light fiber is to transmit light. However, the Sahlin et al. ability of the optical fiber to move longitudinally or transversely with relative freedom would not be at all suitable for an optical fiber measuring module that is to measure at least one physical quantity of a structure.

The application repeatedly indicates that the base member functions for holding the optical fiber cable.

Counsel understands that general purpose dictionaries are not always dispositive for determining a meaning that is to be applied to a term used in a claim or specification of a patent application. Nevertheless, general purpose dictionaries can shed some light on the way a term is to be construed. The first definition of the verb "hold" at dictionary.com includes "keep fast". American Heritage Dictionary lists scores of definitions for the verb "hold". The first and third are "to have and keep in one's grasp" and "to keep from falling or moving." The online Etymology Dictionary provides a first definition

of the verb hold as "keeping a certain state, position or activity." The Kernerman English Multilingual Dictionary lists as definitions for the verb "hold: to have in a part or between parts of the body or between parts of a tool etc.", "to support or keep from moving" and "to remain in position, fixed etc. when under strain." These various dictionary definitions may be helpful for defining the meaning intended by the verb "hold" or "holding" in the specification and claims. However, it is believed that the meaning that would be described by a person skilled in the art is more relevant than general purpose dictionaries. In this regard, it is submitted that a person with ordinary skill in the art of measuring physical quantities of a structure would require an arrangement where the optical fiber cable is held "fixedly" by the base member. The skilled artisan would appreciate immediately that the optical fiber measuring module would not function for detecting a physical quantity if the optical fiber cable was not held "fixedly" by the base member. This interpretation is fully consistent with the admitted prior art that has been made of record. Accordingly, claim 1 has been amended slightly to clarify the clearly intended meaning of the verb "hold" in the context of the relationship between the optical fiber cable and the base member. It is submitted that a person skilled in this art clearly would understand that the holding recited in original claim 1 is a fixed holding. This clear interpretation is consistent with the above-cited JP 09-14927 and JP 2002-131025 references that are admitted to be prior art described in the specification and cited in the Information Disclosure Statement. The Examiner has acknowledged that the Sahlin et al. reference does not teach a fixed holding between the light fiber and the channel. Accordingly, it is submitted that the Sahlin et al. reference does not teach or suggest the invention defined by amended claim 1.

In view of the preceding amendments and remarks, it is submitted that the claims remaining in the application are directed to patentable subject matter and allowance is solicited. The Examiner is urged to contact applicants attorney at the number below to expedite the prosecution of this application.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald E. Hespos", is written over the printed name.

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